



SENATE BILL 625: Limit Confidentiality Agreements

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Sens. McKissick, Bingham
Analysis of: First Edition

Date: May 9, 2013
Prepared by: Susan Sitze
Committee Counsel

SUMMARY: *Senate Bill 625 would limit the use of secrecy orders and confidentiality agreements in certain civil actions.*

BILL ANALYSIS: Senate Bill 625 would create a new Chapter 7C of the General Statutes entitled "Concealment of Public Hazards".

A public hazard is defined as "a release or threatened release of any substance that poses a threat to public health or safety by presenting a present or future danger of death, bodily injury, or physical or emotional disability to person exposed to any such substance."

The bill would prohibit confidentiality agreements from being entered into or enforced by a court in actions alleging personal injury, wrongful death, or monetary or property damages caused by a public hazard unless a final protective order has been entered regarding that information. The court must find that the confidentiality agreement is in the public interest as determined by balancing the right of the public to information regarding the public hazard against the right of the public to protect confidentiality to trade secrets and other confidential research or development or commercial information concerning products or business methods. The grant or denial of a final protective order may be appealed to the court of appeals.

The bill does not limit a court's authority regarding confidentiality agreements in any other cases. The bill also states that the provisions do not prohibit or compel the disclosure of a monetary amount of settlement or prevent the enforcement of that portion of a confidentiality agreement.

EFFECTIVE DATE: This act is effective when it becomes law.

